

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

KEITH RUSSELL JUDD §

VS. § CIVIL ACTION NO. 1:08cv193

FEDERAL ELECTIONS COMMISSION §

MEMORANDUM OPINION

Plaintiff Keith Russell Judd filed this lawsuit against the Federal Elections Commission and the Federal Communications Commission pursuant to the Federal Election Campaign Act, 2 U.S.C. § 431, *et. seq.*<sup>1</sup> Plaintiff challenges the constitutionality of certain portions of the Act. Pending before the court is a motion filed by plaintiff (doc. no. 16) asking that this matter be transferred to the United States District Court for the District of Columbia.

Section 403 of the Bipartisan Campaign Reform Act provides special rules for actions challenging the constitutionality of its provisions. See *McConnell v. Federal Elections Commission*, 540 U.S. 93, 132 (2003). Section 403 requires actions challenging the constitutionality of any of the Act's provisions

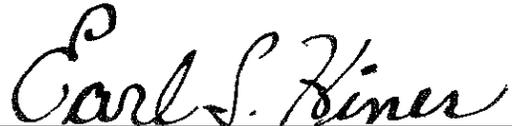
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<sup>1</sup> The Bipartisan Campaign Reform Act of 2002 amended the Federal Elections Campaign Act of 1971, the Communications Act of 1934, and other portions of the United States Code.

to be filed in the United States District Court for the District of Columbia. As a result, venue with respect to this matter is proper in the United States District Court for the District of Columbia. *Id.*; *Davis v. Federal Election Commission*, 501 F.Supp.2d 22, 27 (D.D.C. 2007).

When venue is not proper, the court "shall dismiss, or if it be in the interest of justice, transfer such case to any district ... in which it could have been brought. 28 U.S.C. § 1406(a). This case will therefore be transferred to the District of Columbia court. An appropriate transfer order shall be entered.

**SIGNED** this 22 day of March, 2010.



EARL S. HINES  
UNITED STATES MAGISTRATE JUDGE